

## REMARKS

Claims 1-12 are pending in the application.

It is initially noted that claims 4 and 10 were indicated as being allowable if amended into independent form to include the limitations of the base claim and any intervening claims and also amended to overcome the rejections made under 35 U.S.C. §112. This indication of allowable subject matter is noted with appreciation. It is respectfully submitted that claim 4 and 10 have been amended in accordance with the Notice of Allowable Subject Matter. Therefore, it is respectfully submitted that claims 4 and 10 are now in condition for allowance.

Independent claims 1 and 7 have been amended to include the feature of a first shield stop comprising a shoulder to clearly define the invention of the present application.

Claims 3 and 9 have been amended solely to put the claims in proper U.S. format to define a second stop since a first stop has already been defined. This amendment is not made for patentability reasons.

The drawings (FIG. 15) have been amended to label a shoulder of shield **45** as element number **51**. The specification has also been amended to describe shoulder **51** as is required under 35 U.S.C. §112. No new matter has been introduced.

### Office Action

In the outstanding Office Action claims 1-12 were rejected under 35 U.S.C. §112, second paragraph. Claims 1 and 7 have been amended to obviate the rejections made under 35 U.S.C. §112, second paragraph. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-3 and 5-9 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Moll (U.S. Patent No. 4,601,710). Reconsideration and withdrawal of the rejection are respectfully requested.

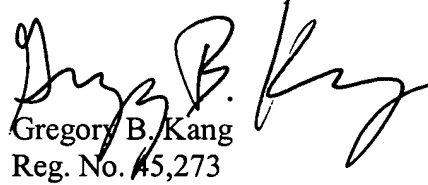
Moll fails to disclose, teach or suggest the feature of “a first shield stop comprising a **shoulder** on an inner surface of the shield body that cooperates with the distal end of the trocar body to provide a stop for the shield body” as recited in claims 1 and 7 of the present application. Moll is silent with respect to this feature of the invention. In light of the foregoing, reconsideration and withdrawal of the rejection are respectfully requested.

Applicants submit that the application is now in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is respectfully requested to contact the undersigned if it is believe that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP

  
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Attachments:

Petition for Extension of Time  
Request for Approval of Drawing Corrections  
Appendix

**Date: February 10, 2003**

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**APPENDIX**  
**VERSION WITH MARKINGS SHOWING CHANGES MADE**  
**IN THE SPECIFICATION AND CLAIMS**

The following is a marked-up version of the amended paragraph.

**Page 12, second paragraph:**

The shield **45** has a tubular-shaped shield body **47** that substantially surrounds the medial portion **43** of the trocar body **41** and biasing means, e.g., provided by a spring **48** or other biasing member, positioned between an outer surface of the medial portion **43** of the trocar body **41** and an inner surface of the tubular-shaped shield body **47**. The trocar body **41** preferably includes a trocar body transition region having an outer surface extending outwardly from the medial portion **43** to the proximal portion **44** and defining a shield stop **49** when the shield **45** is biased to the retracted position. The shield stop **49** is preferably a first shield stop, and a second shield stop **46**, such as provided by a rod or pin member can also or alternatively be connected to the trocar body **41** and cooperates with the shield body **47**, e.g., to through a slot formed therein, to provide an alternative or an auxiliary stop for the shield body **47** when moving to the retracted position. In addition, shield **45** has a shoulder **51** that extends inwardly and is located between biasing means **48** and distal end portion **42**.

**Claims 1, 3-5, 7, 9 and 10 have been amended.**

1. (Amended) A trocar system comprising:

a cannula having an elongate cannula body, the cannula body including medial and distal portions thereof having a first diameter and a proximal portion thereof connected to the medial portion and having a second diameter, the second diameter being larger than the first diameter; and

a trocar having an elongate trocar body for extending through the cannula, the elongate trocar body having a sharpened distal end portion, a medial portion thereof having a first diameter, and a proximal portion having a second diameter, the second diameter being larger than the first diameter, the trocar also having a handle connected to a proximal end portion of the trocar body for gripping of and handling of the trocar by a hand of a user and a shield slidably mounted to the medial portion of the trocar body and biased in an extended position so that a distal end of the shield coveringly protects the sharpened distal end of the trocar body until pressure is applied thereagainst so that the shield slidably moves toward the proximal portion of the trocar body in a retracted position, the shield having a third diameter, the third diameter being [at least] equal to or less than the second diameter; and

a first shield stop comprising a shoulder on an inner surface of the shield body that cooperates with the distal end of the trocar body to provide a stop for the shield body.

3. (Amended) A trocar system as defined in Claim 2, wherein the trocar body includes a trocar body transition region, the transition region having an outer surface extending outwardly from the medial portion to the proximal portion and defining a second shield stop when the shield is biased to the retracted position.

4. (Amended) A trocar system [as defined in Claim 3,] comprising:  
a cannula having an elongate cannula body, the cannula body including medial and distal portions thereof having a first diameter and a proximal portion thereof connected to the medial portion and having a second diameter, the second diameter being larger than the first diameter;

a trocar having an elongate trocar body for extending through the cannula, the elongate trocar body having a sharpened distal end portion, a medial portion thereof having a first diameter, and a proximal portion having a second diameter, the second diameter being larger than the first diameter, the trocar also having a handle connected to a proximal end portion of the trocar body for gripping of and handling of the trocar by a hand of a user and a shield slidably mounted to the medial portion of the trocar body and biased in an extended position so that a distal end of the shield coveringly protects the sharpened distal end of the trocar body until pressure is applied thereagainst so that the shield slidably moves toward the proximal portion of the trocar body in a retracted position, the shield having a third diameter, the third diameter being equal to or less than the second diameter;

wherein the shield has a tubular-shaped shield body that substantially surrounds the medial portion of the trocar body and biasing means positioned between an outer surface of the medial portion of the trocar body and an inner surface of the tubular-shaped shield body;

wherein the trocar body includes a trocar body transition region, the transition region having an outer surface extending outwardly from the medial portion to the proximal portion and defining a shield stop when the shield is biased to the retracted position; and

wherein the shield stop comprises a first shield stop, and wherein a second shield stop is connected to the trocar body and cooperates with the shield body to provide an alternative or an auxiliary stop for the shield body when moving to the retracted position.

5. (Amended) A trocar system as defined in Claim [3]1, wherein the sharpened distal end portion has a fourth diameter, the fourth diameter being larger than the first diameter of the medial portion of the trocar body.

7. (Amended) A trocar comprising:

an elongate trocar body for extending through [the] a cannula, the elongate trocar body having a sharpened distal end portion, a medial portion thereof having a first diameter, and a proximal portion having a second diameter, the second diameter being larger than the first diameter;

a handle connected to a proximal end portion of the trocar body for gripping of and handling of the trocar by a hand of a user; and

a shield slidably mounted to the medial portion of the trocar body and biased in an extended position so that a distal end of the shield coveringly protects the sharpened distal end of the trocar body until pressure is applied thereagainst so that the shield slidably moves toward the proximal portion of the trocar body in a retracted position, the shield having a third diameter, the third diameter being [at least] equal to or less than the second diameter; and

a first shield stop comprising a shoulder on an inner surface of the shield body that cooperates with the distal end of the trocar body to provide a stop for the shield body.

9. (Amended) A trocar as defined in Claim 8, wherein the trocar body includes a trocar body transition region, the transition region having an outer surface extending outwardly from the medial portion to the proximal portion and defining a second shield stop when the shield is biased to the retracted positioned.

10. (Amended) A trocar [as defined in Claim 9,]comprising:

an elongate trocar body for extending through the cannula, the elongate trocar body having a sharpened distal end portion, a medial portion thereof having a first diameter, and

a proximal portion having a second diameter, the second diameter being larger than the first diameter;

a handle connected to a proximal end portion of the trocar body for gripping of and handling of the trocar by a hand of a user; and

a shield slidably mounted to the medial portion of the trocar body and biased in an extended position so that a distal end of the shield coveringly protects the sharpened distal end of the trocar body until pressure is applied thereagainst so that the shield slidably moves toward the proximal portion of the trocar body in a retracted position, the shield having a third diameter, the third diameter being equal to or less than the second diameter;

wherein the shield has a tubular-shaped shield body that substantially surrounds the medial portion of the trocar body and biasing means positioned between an outer surface of the medial portion of the trocar body and an inner surface of the tubular-shaped shield body;

wherein the trocar body includes a trocar body transition region, the transition region having an outer surface extending outwardly from the medial portion to the proximal portion and defining shield stop when the shield is biased to the retracted position; and

wherein the shield stop comprises a first shield stop, and wherein a second shield stop is connected to the trocar body and cooperates with the shield body to provide an alternative or an auxiliary stop for the shield body when moving to the retracted position.





FIG. 2.

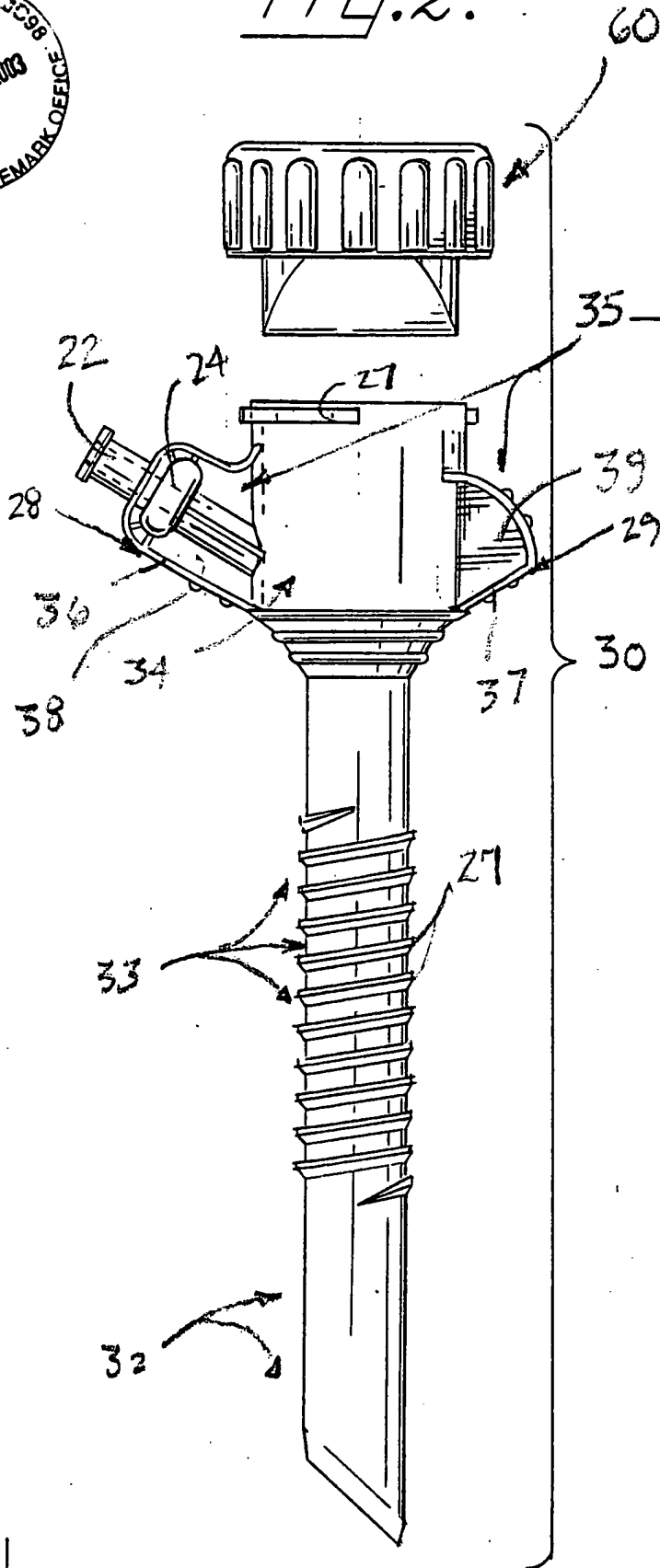
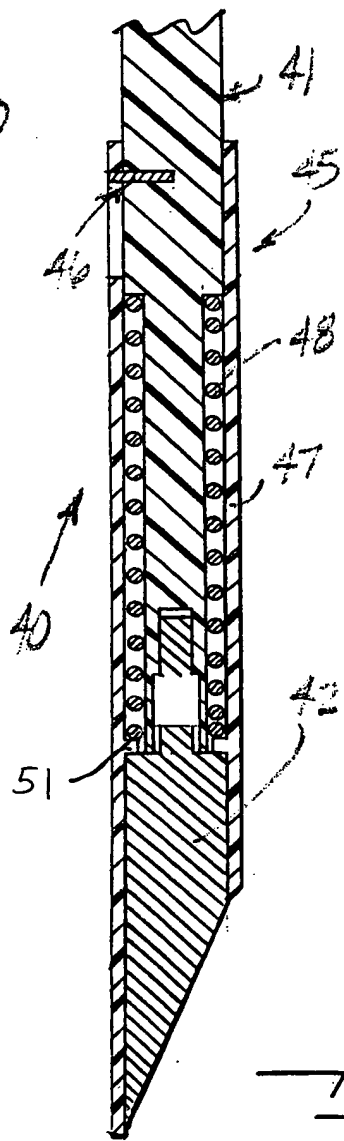


FIG. 15.



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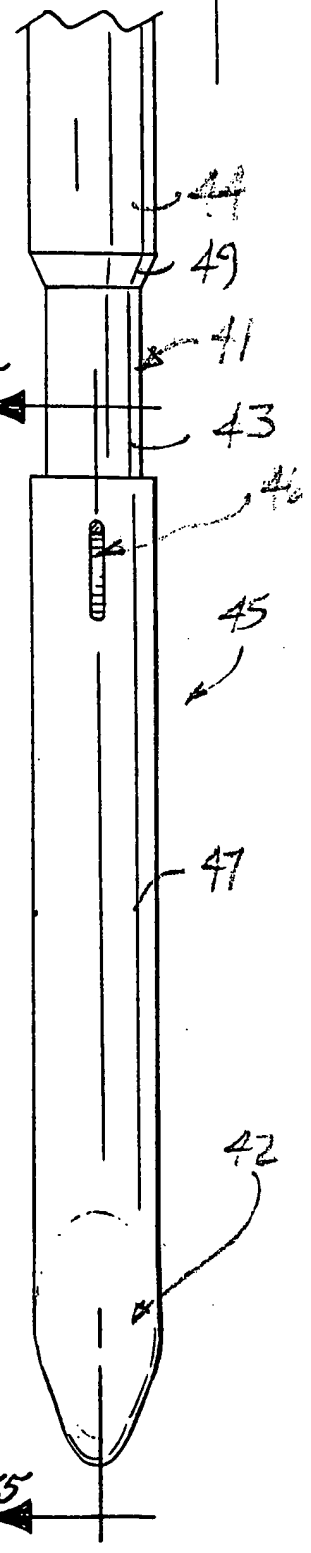


FIG. 14.